

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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KELLE HERNANDEZ,

No. 2:21-cv-02146 WBS AC

Plaintiff,

v.

TARGET CORPORATION and DOES
1-50,

Defendants.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for March 28, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted except with leave of court, good
5 cause having been shown under Federal Rule of Civil Procedure
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon 28 U.S.C. § 1332,
10 because the parties are of diverse citizenship and the amount in
11 controversy exceeds \$75,000. Venue is undisputed and hereby
12 found to be proper.

13 IV. DISCOVERY

14 The parties shall serve the initial disclosures
15 required by Federal Rule of Civil Procedure 26(a)(1) on or before
16 April 18, 2022.

17 The parties shall disclose experts and produce reports
18 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
19 later than November 1, 2022. With regard to expert testimony
20 intended solely for rebuttal, those experts shall be disclosed
21 and reports produced in accordance with Federal Rule of Civil
22 Procedure 26(a)(2) on or before December 1, 2022.

23 All discovery, including depositions for preservation
24 of testimony, is left open, save and except that it shall be so
25 conducted as to be completed by January 3, 2023. The word
26 "completed" means that all discovery shall have been conducted so
27 that all depositions have been taken and any disputes relevant to
28 discovery shall have been resolved by appropriate order if

1 necessary and, where discovery has been ordered, the order has
2 been obeyed. All motions to compel discovery must be noticed on
3 the magistrate judge's calendar in accordance with the local
4 rules of this court and so that such motions may be heard (and
5 any resulting orders obeyed) not later than January 3, 2023.

6 V. MOTION HEARING SCHEDULE

7 All motions, except motions for continuances, temporary
8 restraining orders, or other emergency applications, shall be
9 filed on or before February 14, 2023. All motions shall be
10 noticed for the next available hearing date. Counsel are
11 cautioned to refer to the local rules regarding the requirements
12 for noticing and opposing such motions on the court's regularly
13 scheduled law and motion calendar.

14 VI. FINAL PRETRIAL CONFERENCE

15 The Final Pretrial Conference is set for April 24,
16 2023, at 1:30 p.m. in Courtroom No. 5. The conference shall be
17 attended by at least one of the attorneys who will conduct the
18 trial for each of the parties and by any unrepresented parties.

19 Counsel for all parties are to be fully prepared for
20 trial at the time of the Pretrial Conference, with no matters
21 remaining to be accomplished except production of witnesses for
22 oral testimony. Counsel shall file separate pretrial statements,
23 and are referred to Local Rules 281 and 282 relating to the
24 contents of and time for filing those statements. In addition to
25 those subjects listed in Local Rule 281(b), the parties are to
26 provide the court with: (1) a plain, concise statement which
27 identifies every non-discovery motion which has been made to the
28 court, and its resolution; (2) a list of the remaining claims as

1 against each defendant; and (3) the estimated number of trial
2 days.

3 In providing the plain, concise statements of
4 undisputed facts and disputed factual issues contemplated by
5 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
6 that remain at issue, and any remaining affirmatively pled
7 defenses thereto. If the case is to be tried to a jury, the
8 parties shall also prepare a succinct statement of the case,
9 which is appropriate for the court to read to the jury.

10 **VII. TRIAL SETTING**

11 The jury trial is set for June 21, 2023, at 9:00 a.m.
12 The parties estimate that the trial will last five to seven days.

13 **VIII. SETTLEMENT CONFERENCE**

14 A Settlement Conference with a magistrate judge will be
15 set at the time of the Pretrial Conference. Counsel are
16 instructed to have a principal with full settlement authority
17 present at the Settlement Conference or to be fully authorized to
18 settle the matter on any terms. At least seven calendar days
19 before the Settlement Conference counsel for each party shall
20 submit a confidential Settlement Conference Statement for review
21 by the settlement judge. The Settlement Conference Statements
22 shall not be filed and will not otherwise be disclosed to the
23 trial judge.

24 **IX. MODIFICATIONS TO SCHEDULING ORDER**

25 Any requests to modify the dates or terms of this
26 Scheduling Order, except requests to change the date of the
27 trial, may be heard and decided by the assigned Magistrate Judge.
28 All requests to change the trial date shall be heard and decided

1 only by the undersigned judge.

2 IT IS SO ORDERED.

3 Dated: March 14, 2022



4 WILLIAM B. SHUBB

5 UNITED STATES DISTRICT JUDGE

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